THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13151 of 2007

Dated:26.06.2007

Between:

B.Bhaskar Yadav.

...Petitioner

and

The District Collector and another.

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13151 of 2007

ORDER:

The petitioner herein purchased house bearing No.11-1-1182/13/10/A situated at Afzal Sagar, Mallepalli, Hyderabad, under a registered sale deed dated 21.02.2007 from Syed Sayeed Mohammad. It is alleged that the second respondent has been threatening to demolish the compound wall and that he also made a visit on 18.06.2007 with the help of Police with a view to demolish the compound wall. Therefore, he filed the instant Writ Petition seeking a writ of mandamus declaring the action of the respondents in trying to interfere with the peaceful possession of the petitioner's property as illegal and unsustainable, and for a consequential direction to the second respondent not to interfere with his possession.

After getting instructions, the learned Assistant Government Pleader for Revenue (General-T) submits that no steps were taken to evict the petitioner and that the Writ Petition is filed without any cause of action making false allegations. Learned Counsel for the petitioner, however, strongly refutes this.

In the affidavit accompanying the Writ Petition the petitioner traces the title to one Zulfekaruddin from whom the petitioner's vendor, Syed Sayeed Mohammad, purchased the property. After saying so, the petitioner made the following averment.

...It is submitted that it is a private property and the title

> of my Vendor and that of mine are clear and perfect. It is submitted that there are certain neighbours belonging to Lodha Community who are engaged in the making of illicit liquor at Dhoolpet. These people have got muscle power and also good political connections. They are trying to snatch away my property by pressuring me through the 2nd respondent herein. The 2nd respondent, being under the influence of those persons, has been approaching me and threatening me with demolition of the compound wall. This is being done without serving any notice on me under any Statute and also without initiating any proceedings in accordance with law...

A perusal of the same would show that some people with muscle power are trying to snatch away the property of the petitioner. It is also alleged that the second respondent who is under their influence is trying to dispossess. If there is a threat of dispossession from those persons with muscle power and who are making illicit liquor at Dhoolpet, the petitioner's remedy is to approach the civil Court and obtain injunction. On that ground the petitioner cannot seek remedy in public law, especially, when there is no such cause of action.

The Writ Petition is, therefore, dismissed. No costs.

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(V.V.S.RAO, J)

26.06.2007
vs